UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1244
9 December 1997

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1244th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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CLOSURE OF THE SESSION

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GE.97-18108 (E)

The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Draft general recommendation prepared by Mr. Diaconu (in-session document, in French only: CERD/C/51/Misc.43)

1. The CHAIRMAN informed the Committee that the text of a draft general recommendation concerning minorities had been prepared, in French only, by Mr. Diaconu. The document would be distributed to all members of the Committee in English once it had been translated. He invited the members to submit their comments in writing to the secretariat, which would transmit them to Mr. Diaconu. The draft recommendation would be considered, insofar as possible, at the Committee's fifty-second session.

Scheduling of the consideration of reports submitted, review of the implementation of the Convention in States parties whose reports are excessively overdue and consideration of States parties pursuant to the urgent procedure at the Committee's fifty-second session (in-session documents, in English only: CERD/C/51/Misc.8/Rev.3 and CERD/C/51/Misc.28/Rev.3)

2. The CHAIRMAN invited the members to prepare the list of countries whose reports or cases would be considered by the Committee at its fifty-second session by referring to the list of reports received since March 1997, as drawn up on 18 August 1997 (CERD/C/51/Misc.8/Rev.3). To expedite matters, he suggested that the members should decide first on the number of reports to be examined and then on the countries whose reports would be considered.

3. Mr. WOLFRUM said that, on the basis of the preliminary list received in March 1997, two reports whose consideration had been postponed - the initial report of Switzerland and the second to seventh periodic reports of Cambodia - should be scheduled for consideration at the fifty-second session. In his view, the Committee should, in accordance with its established practice, take the reports in the order in which it received them, to avoid any kind of arbitrariness in its methods of work. The Committee should consider the reports of the Libyan Arab Jamahiriya, Ukraine, the Netherlands, Tonga, the Russian Federation, Nepal, the Czech Republic, Cuba, Yugoslavia, Switzerland and Cambodia, i.e. 11 countries in all. He recommended the inclusion, on an exceptional basis, of the periodic report recently submitted by Israel; many of the questions raised during the consideration of the situation in that country under agenda item 4 at the current session could have been addressed under the normal procedure for the consideration of reports. It would be illogical for the Committee to decide not to consider Israel's periodic report at its next session, after having examined the situation in that country under the urgent-action procedure at its current session.

4. Mr. van BOVEN said that he shared Mr. Wolfrum's view since, having urged Israel for so long to submit its periodic report, it would certainly be strange if the Committee were to postpone for a year the consideration of the report just submitted by Israel. It should be one of the reports to be examined as a matter of priority.

5. Mr. RECHETOV said he felt that it would be appropriate to review the situation in Israel on the basis of the periodic report, now that the State party had provided one.

6. Mr. GARVALOV said that he, too, believed that the case of Israel should now be considered under the normal reporting procedure.

7. Mrs. ZOU endorsed the proposal to include Israel's latest periodic report on the list of reports to be considered at the fifty-second session. She also wished to point out that some countries, such as Lebanon and Niger, had been very late in submitting their periodic reports, whereas the reports of countries such as the Russian Federation had been examined recently. By scheduling the reports of Lebanon and Niger for consideration at its next session, the Committee would be giving a sign of encouragement to those two countries.

8. Mr. RECHETOV said that the consideration of the report of the former Yugoslav Republic of Macedonia had been one of the highlights of the Committee's work at its fifty-first session, since it was the initial report of a country situated in an explosive region. For similar reasons, the Committee should make every effort to examine the report of Armenia, a country facing serious ethnic problems and in a very difficult situation. That could have a spill-over effect on other republics of the former Soviet Union.

9. Mr. WOLFRUM said that he appreciated Mrs. Zou's point of view, but nevertheless recommended that the Committee should not overload its programme of work for the next session. The Committee might perhaps include Armenia, whose initial report had been awaited for some time, as well as Niger, even if that meant postponing consideration of Yugoslavia's report.

10. Mr. AHMADU said that the Committee could certainly include Armenia on the list, whereas Ukraine, whose report had been considered recently, could be kept pending. He would furthermore like to see at least one country of sub-Saharan Africa, perhaps Cameroon in preference to Niger, on the list. The ethnic and political problems facing Cameroon were more acute and complex than those being experienced by Niger.

11. Mr. YUTZIS said that the Committee should seriously consider examining the reports of Switzerland and Armenia at its next session. It should not further postpone consideration of the report of Cambodia and should also bear in mind the importance of the report of the Netherlands for the implementation of the Convention in Europe. The Committee could in addition schedule the reports of the Libyan Arab Jamahiriya, Cameroon, Israel, the Russian Federation, Tonga, the Netherlands, Cambodia and the Federal Republic of Yugoslavia for consideration at its next session.

12. Mr. VALENCIA RODRIGUEZ said that the Committee should consider 11 reports, namely those of Armenia, Cameroon, Cuba, the Russian Federation, the Libyan Arab Jamahiriya, Nepal, the Netherlands, the Czech Republic, Tonga, Ukraine and Yugoslavia. It would be problematic, on the other hand, for the Committee to examine the report of Cambodia, given the difficult situation currently prevailing in that country, unless it considered having recourse to the urgent-action procedure.

13. Mr. GARVALOV supported Mrs. Zou's proposal to include the report of Lebanon on the list of periodic reports to be considered at the fifty-second session. The report of that country, which was experiencing an extremely difficult situation, had been submitted very late. It might, in addition, be interesting for the Committee to consider Lebanon's report at the same session as that of Israel, bearing in mind the relationship between the situations in those two countries. A consideration of the reports of Ukraine and Cuba, on the other hand, was in his view less urgent.

14. The CHAIRMAN said that the Committee could defer consideration of Cambodia's report to its fifty-third session.

15. Mr. de GOUTTES urged the inclusion of the reports of Cambodia, Lebanon, Israel and Cameroon on the list. With regard to Tonga, the Committee would have to find another rapporteur than himself, since he had already served as rapporteur for that country.

16. Mr. van BOVEN said that he regretted having advised the Committee to defer consideration of Cambodia's report to the fifty-second session. The human rights defenders in Cambodia who had made great efforts to ensure that their country's report was considered promptly must not be disappointed. It would be unwise to postpone again the consideration of that country's periodic report. It might, on the other hand, be possible to defer consideration of the reports of Ukraine, Tonga and Cuba. He wished to emphasize the need to make the final list of countries whose reports would be considered available to everyone concerned as soon as possible so that they could prepare themselves under the best possible conditions.

17. Mr. WOLFRUM said that it would be better to limit to 12 the number of reports to be considered by the Committee at its next session. The report of Ukraine should be included because the Committee might otherwise soon have to consider the case of Ukraine under the urgent-action procedure, given the delicate situation prevailing in that country. It would probably be wiser to defer consideration of the reports of Tonga and Cuba.

18. The CHAIRMAN, having heard the views of each member, noted that the Committee wished to consider, at its fifty-second session, the periodic reports of Armenia, Cambodia, Cameroon, the Czech Republic, Israel, Lebanon, the Libyan Arab Jamahiriya, the Netherlands, the Russian Federation, Switzerland, Ukraine and Yugoslavia.

19. He took it that the Committee also wished, at its fifty-second session, to review the implementation of the Convention in 11 countries whose reports were long overdue, namely Costa Rica, Ghana, Portugal and Uruguay; Bangladesh and Syria; Antigua and Barbuda, Bahrain, Congo, Mauritania and Saint Lucia.

20. Mr. AHMADU suggested that the list should be shortened to allow the Committee more time to consider the periodic reports as scheduled.

21. Replying to Mr. de GOUTTES, the CHAIRMAN indicated that, on account of the almost complete lack of administrative services in Haiti, a review of the implementation of the Convention in that country had been postponed to the fifty-fourth session, in the hope that the State party would in the meantime

be able to submit the report which was awaited. He pointed out, for the benefit of Mr. Ahmadu and Mr. Rechetov, that Ghana was included in the second list because its twelfth periodic report, expected as of January 1992, was currently more than five years overdue.

22. Mr. DIACONU proposed that the situation of the first six States parties on the second list drawn up by the Chairman should be reviewed at the next session, and the situation in the last five at the August 1998 session.

23. The CHAIRMAN said he took it that the Committee agreed on the list of the 11 countries in respect of which it was proposed to review the implementation of the Convention.

24. He further noted that the Committee wished to review the situation in four other countries - Bosnia and Herzegovina, the Democratic Republic of the Congo, Rwanda and Papua New Guinea - under the urgent-action procedure.

25. Mr. AHMADU, drawing attention to the list of country rapporteurs for the fifty-second session (CERD/C/51/Misc.28/Rev.3), indicated that Mr. de Gouttes would serve as rapporteur for Cameroon and Mr. Garvalov for Papua New Guinea; however, no members would be called upon to serve as rapporteurs for Tonga, Nepal, Cuba, Kuwait, Niger or Haiti, those countries having been deleted from the list.

26. The CHAIRMAN noted that the members of the Committee accepted that list with the amendments made by Mr. Ahmadu.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 10) (continued) (CERD/C/51/Misc.3: in-session document, in English only)

27. The CHAIRMAN invited the members of the Committee to comment on the proposal he had formulated (CERD/C/51/Misc.3) concerning the resolution adopted by the Commission on Human Rights, at its fifty-third session, recommending the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, and on the statement made by Mr. van Boven the previous day concerning the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance within the framework of the Third Decade to Combat Racism and Racial Discrimination.

28. Mr. de GOUTTES said he felt that the Committee should resume the dialogue with the Special Rapporteur, since it reproached him with not having taken sufficient account of the Convention and of the Committee's work within the framework of the Third Decade. Like Mr. van Boven, he wished the Committee to take part in organizing the proposed conference, in conjunction with the Sub-Commission.

29. Mr. SHAHI said that most of the issues enumerated in the Chairman's proposal could serve as a basis for the preparatory work for a world conference on racism and racial discrimination. He suggested that the Committee should address a letter to the Secretary-General of the United Nations and to the Commission on Human Rights expressing its wish

to participate in the preparatory meetings for the proposed conference and perhaps appending the list of topics contained in the Chairman's proposal.

30. Mr. VALENCIA RODRIGUEZ said that he wished first of all to associate himself with what had been said the previous day by Mr. van Boven regarding the Special Rapporteur's indifference to the work that the Committee had been performing for 27 years under the auspices of the Commission on Human Rights and regarding the need to re-establish contact with the Special Rapporteur.

31. Concerning the Third Decade to Combat Racism and Racial Discrimination, it was worth recalling that two seminars had taken place at Geneva recently. The first, held from 9 to 13 September 1996, had reviewed the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Its main conclusion had been that the media, including the Internet, could contribute to the dissemination of racist ideas and should be used to promote tolerance and understanding. The Office of the United Nations High Commissioner/Centre for Human Rights had, moreover, been requested to organize another seminar with the managers of the Internet. The participants in the seminar had also emphasized the importance of education in the prevention and elimination of racism and racial discrimination among young people. They had furthermore stressed the need for the States Members of the United Nations to appreciate the threat that ethnic hatred posed to national and international stability. Lastly, they had invited States parties to extend greater support to the Committee. He would like to know what steps had been taken to give effect to the recommendations of that seminar.

32. The second seminar, held from 5 to 9 May 1997, had focused on immigration, racism and racial discrimination, and had been attended by Mr. Glélé-Ahanhanzo, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mrs. Warzazi, a representative of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and Mr. Banton, the Chairman of the Committee. It would be useful to know what conclusions that seminar had reached and what follow-up measures had been taken.

33. Lastly, the Commission on Human Rights had recommended to the General Assembly (resolution 1997/74) the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance with a view to reviewing progress in the fight against those scourges and formulating concrete recommendations with the cooperation of all relevant bodies, including the Committee. As part of the preparatory process for that conference, the Committee might, in addition to the topics proposed by the Chairman (CERD/C/51/Misc.3), undertake a study of the situation of immigrants, the repercussions of the dissemination of racist ideas, particularly on the Internet, the situation of indigenous peoples, the need to intensify education and information campaigns promoting tolerance and understanding, the implementation of articles 4 and 7 of the Convention and, lastly, the need to raise funds for the campaigns to be conducted in that area.

34. The CHAIRMAN informed the Committee that the report on the May seminar, in which the Special Rapporteur had not, in fact, participated, would be available shortly. It would obviously be preferable for the Committee to wait for the report to be issued before discussing the seminar.

35. Mr. GARVALOV said he was surprised that, in the resolution it had adopted on the subject of the world conference, the Commission on Human Rights had not requested the Secretary-General to prepare a report on action by the Committee. It was certainly important for the Committee to be represented in the preparatory body for the world conference in view of its particular expertise in the area of racism and racial discrimination. The Committee should take the initiative to re-establish relations with the Special Rapporteur, even though it had not itself caused the rift.

36. Lastly, it was surprising that, in paragraph 33 of its resolution 1997/74, the Commission on Human Rights should have invited the Governments of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to include in their periodic reports to the Committee information on measures they had taken to implement the relevant recommendations of the Special Rapporteur; that encroached upon the powers of the Committee and was in flagrant contradiction with the decisions adopted on the question of duplication of work.

37. Mr. DIACONU said that the proposed world conference would provide an opportunity for the Committee to emerge from the shadows. To do so, it would certainly have to participate in the work of the preparatory committee, but should above all submit a comprehensive report on minorities, immigrants, foreigners and indigenous peoples. Those issues should be addressed from the standpoint of the International Convention on the Elimination of All Forms of Racial Discrimination, and especially on the basis of the reports submitted by Governments. In view of the number of reports submitted, that would be an enormous task, for which the Committee could request support from the secretariat.

CLOSURE OF THE SESSION

38. After an exchange of courtesies, the CHAIRMAN declared the fifty-first session closed and indicated that the Committee's fifty-second session would begin on 2 March 1998.

The meeting rose at 5.25 p.m.